

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

DOLZIE KIDD ET AL

CIVIL ACTION NO. 21-cv-817

VERSUS

CHIEF JUDGE S. MAURICE HICKS,  
JR.

ISAIAS RODRIGUEZ ET AL

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

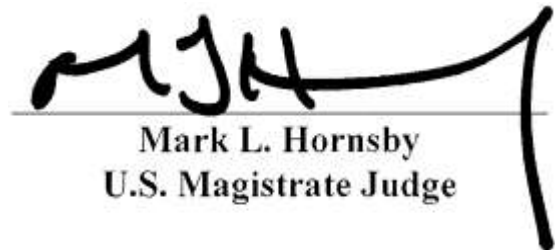
Dolzie Kidd and Roby Brown filed this civil action for damages arising out of a motor vehicle accident. Defendants removed the case based on an assertion of diversity jurisdiction, which puts the burden on them to set forth specific facts that show complete diversity of citizenship of the parties and an amount in controversy over \$75,000. The allegations in the notice of removal are sufficient with one exception.

The notice of removal alleges that defendant Isaias Rodriguez is “a resident of Fort Bend County, Texas.” It is domicile rather than mere residency that decides citizenship for diversity purposes, and “an allegation of residency alone ‘does not satisfy the requirement of an allegation of citizenship.’” Midcap Media Finance, LLC v. Pathway Data, Inc., 929 F.3d 310, 313 (5th Cir. 2019), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888, 889 (5th Cir. 1984). A person may reside in multiple states simultaneously, but “[a]n individual who resides in more than one State is regarded, for purposes of federal subject-matter (diversity) jurisdiction, as a citizen of but one State.” Wachovia Bank v. Schmidt, 126 S. Ct. 941, 951 (2006). That is the state in which the person is domiciled.

Id.; Acridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 451 (5th Cir. 2003).

To ensure that subject matter jurisdiction exists in this case, Defendants must file, no later than **April 17, 2021**, an amended notice of removal that specifically alleges defendant Rodriguez's state of domicile.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 7th day of April, 2021.



Mark L. Hornsby  
U.S. Magistrate Judge